

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE:	§	
	§	CASE NO 23-30242-cgb
J.A.R. CONCRETE, INC.,	§	Chapter 7
Debtor	§	
	§	

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**JOINT AGREED MOTION TO RESET DEADLINES AND CONTINUE  
HEARING (RE: DOCKET NOS. 533, 512, 513)**

PASEO DEL SOL CONSTRUCTION, INC., proposed contract assignee, RON INGALLS, TRUSTEE, CITY OF EL PASO, and UNITED STATES FIRE INSURANCE COMPANY, (collectively, “Movants”) file this *Joint Agreed Motion to Reset Deadlines and Continue Hearing* (Re: Docket No. 533), and in support thereof would respectfully show to the Court the following.

1. On December 6, 2023, the Court entered the *Order Setting Status Conference and Deadlines on Chapter 7 Trustee’s Motions to Assume and Assign Contracts (Dkt## 512, 513, 514) and Objections Thereto* (Docket No. 533) (the “Scheduling Order”) regarding

(1) Motion to Assume and Assign Contract [-] Parkway Structures Citywide Maintenance Solicitation No. 2021-1305 with the City of El Paso (the “Parkway Structures Contract”) (dkt# 512); and

(2) Motion to Assume and Assign Contract [-] Trowbridge Drive Improvements Solicitation No. 2022-0377 with the City of El Paso (the “Trowbridge Contract”) (dkt# 513)

(collectively, the “Motions to Assume”).and the various objections that are related to the Motions to Assume.<sup>1</sup>

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<sup>1</sup> This motion does not involve Docket No. 514, the motion to assume involving TxDOT.

2. The Trustee and the proposed assignee, Paseo del Sol Construction Inc., have reached out to and conferred with the City of El Paso, and the surety United States Fire Insurance Company regarding the contracts at issue and a resolution of the Motions to Assume.

3. The parties believe that time to discuss the issues raised in the Motions to Assume, the objections, and/or the Scheduling Order could resolve the Motion to Assume by agreement of the parties and/or significantly narrow the issues for consideration.

4. Accordingly, all of the parties have agreed to request that the Court amend the Scheduling Order to set the briefing and/or further pleading deadline to January 16, 2024 and that the hearing on the hearing on the Motion to Assume be set on January 31, 2024 at 9:00 a.m MT / 10:00 a.m. CT by WebEx. (January 31, 2024 appears to be a WebEx hearing date for El Paso already on the calendar of the Court.)

5. The parties do not request the additional time merely for purposes of delay.

6. A proposed form of agreed order is attached hereto and incorporated by reference herein.

WHEREFORE, PASEO DEL SOL CONSTRUCTION, INC., RON INGALLS, TRUSTEE, CITY OF EL PASO, and UNITED STATES FIRE INSURANCE COMPANY, Movants respectfully pray that the Court enter the proposed order and reschedule the briefing deadlines and the hearing date as set forth above and/or in the proposed order. Movants request such other and further relief as they may be entitled at law or in equity.

**{continued on following sheet(s)}**

Dated: December 13, 2023

Respectfully submitted,

WEYCER, KAPLAN,  
PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth\*

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*\* Signature by permission by /s/ Jeff Carruth*

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served upon all registered ECF users in this case on December 13, 2023 as shown in the list below.

*/s/ Jeff Carruth*

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE:	§	
	§	
J.A.R. CONCRETE, INC.,	§	CASE NO 23-30242-cgb
	§	Chapter 7
	§	
<i>Debtor.</i>	§	
	§	

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**AGREED ORDER TO RESET DEADLINES AND CONTINUE HEARING  
(RE: DOCKET NOS. 537, 533, 512, 513)**

On this day came on for consideration the *Joint Agreed Motion to Resent Deadlines and Continue Hearing (Re: Docket No. 533, 512, 513)* (Docket No. 537) (the “Joint Motion”). In light of the cause demonstrated in the Joint Motion, and the agreement of the parties as evidenced by the signature of their respective counsel appearing below, the Court is of the opinion that the following Orders should be entered.

**IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN THAT:**

1. The Joint Motion is granted as set forth herein.
2. Capitalized terms in this Order shall have the same meaning as ascribed to such terms in the Joint Motion unless otherwise defined herein.
3. On **January 31, 2024 at 9:30 a.m. (MT)**, the Court will conduct a status conference on the Motions (dkt## 512, 513) and the Objections thereto (dkt## 523, 528, 529). The hearing will be conducted via Webex through the Webex software

application at: [us-courts.webex.com/meet/Bradley](https://us-courts.webex.com/meet/Bradley). Parties and counsel that are only listening to the status conference may attend by phone at phone number 650-476-3207, access code 160-357-6609#.

4. At the status conference, the Court will only hear legal arguments. No witnesses or evidence will be considered. An evidentiary hearing will be held at a later date, if necessary.
5. By **4 p.m. (MT) on January 16, 2024**, the Trustee shall file a response to the Objections (“Response”), which shall include all legal citations the Trustee wishes the Court to consider, and analysis/discussion explaining how he can overcome each argument presented in the Objections. The Response shall also address whether the 60-day deadline under 11 U.S.C. § 365(d)(1) prevents the Trustee from obtaining the relief requested.
6. Any Reply to the Response must be filed by **January 23, 2024 at 4:00 p.m. (MT)**.
7. This Order does not pertain to the motion to assume relating to TxDOT (Docket No. 514) nor the TxDOT objection (Docket No. 526).

### END OF ORDER ###

Order submitted by:

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**{continued on following sheet(s)}**



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